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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,290	04/27/2006	Thierry Prigent	86577WRZ	2852
1333 7590 08/21/2008 EASTMAN KODAK COMPANY PATENT LEGAL STAFF 343 STATE STREET ROCHESTER, NY 14650-2201				
EXAMINER PARKER, AUTUMN H				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/577,290

**Applicant(s)**

PRIGENT, THIERRY

**Examiner**

AUTUMN PARKER

**Art Unit**

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 27 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/ISD)  
Paper No(s)/Mail Date 27 Apr 2006  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

3. The attempt to incorporate subject matter into this application by reference to Documents (1-7) (p. 1, lines 17-28) is ineffective because the reference document is not clearly identified as required by 37 CFR 1.57(b)(2)). (Also, see objection to IDS above.)

### ***Claim Rejections - 35 USC § 102***

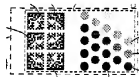
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 8, 9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Klees et al., U.S. Patent No. 6,407,767 (hereafter referred to as 'Klees').

6. Regarding Claim 1, Klees discloses a method of recording data on a photographic support (Fig. 1), comprising the formation on the support of a plurality of encoding marks (Fig. 2, [74]),



linked to a plurality of data items to be recorded (col. 4, lines 58-62), each encoding mark being formed with an exposure energy that is a preset function of a value of the data to be recorded linked to the mark (col. 5, lines 3-10), and the formation, on the same support, of at least one sensitometry control (Fig. 2, [76]), the sensitometry control covering a range of exposure energies used to form the marks (Fig. 2, [82]).

7. Regarding Claim 2, Klees discloses the photographic support is a film (col. 4, line 65) and wherein the exposure energy is light energy (col. 4, lines 1-18).

8. Regarding Claim 3, Klees discloses the data are encoded in an encoding base with rows N, more than 3, and wherein the preset function links a different preset energy exposure value to each of the possible values of a data encoded in the base with rows N (Fig. 2; col. 5, lines 60-65).

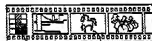
9. Regarding Claim 8, Klees discloses the encoding marks have an elongated barcode shape (Fig. 2, [74, 78]; col. 5, lines 7-8).

10. Regarding Claim 9, Klees discloses the encoding marks and the sensitometry control are formed using the same exposure source (col. 4, lines 8-11; col. 5, lines 3-10).

11. Regarding Claim 13, Klees discloses a photographic support (Fig. 2, [70]) comprising data encoding marks (Fig. 2, [74]) with a number of density levels N more than 3, and at least one sensitometry control (Fig. 2, [76]) that can be used to convert the densities of the marks into exposure energy values.

12. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Reem et al., U.S. Patent No. 5,667,944 (hereafter referred to as 'Reem').

13. Regarding Claim 13, Reem discloses a photographic support (Fig. 1, [10]) comprising data encoding marks (Fig. 1,



[14]) with a number of density levels N more than 3 (Fig. 2, [14]), and at least one sensitometry control (Fig. 1, [30]) that can be used to convert the densities of the marks into exposure energy values.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 4, 5, 7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klees in view of Reem.

16. Regarding Claim 4, Klees teaches the invention as claimed above. Klees does not specifically teach the encoding base is a base with rows 256, and wherein 256 preset exposure values are planned for forming the marks. Reem teaches that full image resolution normally includes 256 signals or exposure values (col. 9, lines 13-16). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have included 256 preset exposure values into the encoding base taught by Klees as a standard for normal film resolution as taught by Reem.

17. Regarding Claim 5, Klees teaches the exposure energy of each mark is a one-to-one function of a data value to be recorded (col. 15, lines 5-10).

18. Regarding Claim 7, Klees teaches the data are encoded in an encoding base with rows  $C \times N$ , and wherein the preset one-to-one function links a unique combination of a preset exposure energy value taken from among  $N$  and a color range taken from among  $C$  to each possible value of encoded data in the base with rows  $C \times N$  (Fig. 2, [74]; col. 15, lines 5-10).

19. Regarding Claim 10, Klees teaches the invention as claimed above. Klees does not specifically teach the processing procedure after the initial exposure of the film. Reem teaches after development of the support, the establishment of at least one sensitometry relation from the sensitometry control, measurement of the optical density of the exposed encoding marks of the support, conversion of the optical density of each mark into at least one exposure energy value by using the sensitometry relation, and the establishment of a value of the data linked to the mark from the exposure energy and the preset function (col. 8, lines 10-44). It would have been obvious to a person

having ordinary skill in the art at the time the invention was made to have used the processing steps taught by Reem in combination with the invention taught by Klees for the purpose of effectively using both the metadata encoding marks (barcode) and the sensitometry information (calibration data) in combination to produce an appropriately developed image.

20. Regarding Claim 11, Klees teaches the invention as claimed above. Klees does not specifically teach the processing procedure after the initial exposure of the film. Reem teaches the establishment of a plurality of sensitometry relations corresponding to a plurality of spectral exposure ranges, measurement of the optical densities of the encoding marks in these spectral ranges, conversion of the optical densities of each mark into several exposure energy values corresponding to the spectral ranges, and the establishment of a value of the data linked to the mark from the exposure energies and the preset function (col. 8, lines 10-44). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have used the processing steps taught by Reem in combination with the invention taught by Klees for the purpose of effectively using both the metadata encoding marks (barcode) and the sensitometry information (calibration data) in combination to produce an appropriately developed image.

21. Regarding Claim 12, Klees teaches the invention as claimed above. Klees does not specifically teach the processing procedure after the initial exposure of the film. Reem teaches the establishment of a sensitometry relation with several dimensions corresponding to several color components, measurement of the optical density of the

exposed marks of the support according to these color components, conversion of the optical density of each mark into exposure energy values taken according to these color components by using the sensitometry relation, and, the establishment of a value of the data linked to the mark from the exposure energy values and the preset function (col. 8, lines 10-44). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have used the processing steps taught by Reem in combination with the invention taught by Klees for the purpose of effectively using both the metadata encoding marks (barcode) and the sensitometry information (calibration data) in combination to produce an appropriately developed image.

22. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klees in view of Saito. Klees teaches the salient features of the claimed invention except for recording the encoding marks using spectral energy in at least two different ranges. Saito teaches in figure 1 that it was known to utilize recording the encoding marks using spectral energy in at least two different ranges. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Saito for the purpose of increasing the amount of information capable of being stored/encoded.



***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cass et al., U.S. Patent No. 5,946,414, discloses a method for encoding information from patterned color modulated image regions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AUTUMN PARKER whose telephone number is (571)270-3916. The examiner can normally be reached on Mon-Thurs, 8:00 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.